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Committee on the Elimination of Discrimination against Women
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Summary record of the 1509th meeting
Held at the Palais des Nations, Geneva, on Friday, 7 July 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Costa Rica (*continued*) (CEDAW/C/CRI/7; CEDAW/C/CRI/Q/7 and Add.1)

Articles 7 to 9 (*continued*)

1. *At the invitation of the Chair, the delegation of Costa Rica took places at the Committee table.*

2. **Ms. Manalo** said that she wished to know how many male and female ambassadors there were in the country's diplomatic services and whether a policy had been adopted to attract women to the service. She asked whether there was a regulation concerning husbands and wives working in the same service. She wondered what was being done to promote preventive diplomacy in Costa Rica, particularly in the light of Security Council resolution 1325 (2000).

3. With regards to transmission of nationality, she would welcome clarification as to whether the births of infants born out of wedlock could be registered if the father's name was not recorded. Given that children who were not registered were exposed to the risk of stateless even if their mothers were Costa Rican, she wished to hear what measures were in place to prevent that from happening.

4. **Mr. Guillermet Fernández** (Costa Rica) said that, as of June 2017, there were 83 men and 90 women in the Costa Rican foreign service. In addition, 33 heads of mission were men and 17 were women; however, all of the members of the Permanent Mission in Geneva were women. Costa Rica had not yet trained female diplomats in the Security Council resolution on women and peace and security, although a female police officer had been sent on a peacekeeping mission for the first time in 2017. Police officers had also been sent to take part in the United Nations Mission in Colombia as part of efforts to train both male and female police officers in preventive diplomacy.

5. **Ms. Mora** (Costa Rica) said that three main actors were engaged in work towards achieving gender parity in parties: political parties, the Supreme Electoral Tribunal and female political candidates. Political parties were responsible for ensuring gender parity, as required by the Electoral Code. Candidate lists could not be registered, nor funds allocated, unless there were equal numbers of men and women candidates, which was a major challenge for political parties. The parties had to negotiate solutions when that was not the case. The Supreme Electoral Tribunal had the power to reject party lists and withhold funds as had happened recently unless parity had been achieved. The Tribunal thus had complete control over the electoral lists. Nevertheless, gender parity was not enough; there had to be a parallel process of women's empowerment. In order to clear the way for women in politics, it was necessary for some male politicians to stand down. Voters were another key stakeholder who should be encouraged to use their vote to demand gender parity. A great deal of work had been done with women in political parties, namely a permanent training programme within the National Institute for Women (INAMU). An organization of women from political parties had been set up and meetings had been held with them in order to establish strategies to overcome weaknesses in the electoral procedures. A bill on gender parity that would apply to mayors was currently under discussion.

6. A bill that sought to deal with physical, psychological or sexual harassment against women or their families had been put forward. One of the objectives sought by Costa Rica during its presidency of the Inter-American Commission of Women was to introduce a framework law, which covered women in trade unions and other organizations, to address political violence in Latin America. The National Institute for Women had highlighted the importance of having a range of penalties — criminal and others — for perpetrators of political violence.

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7. **Ms. Manalo** said that, since the foreign service, and not the police, was responsible for drawing up the political and legal framework for preventive diplomacy, she wished to know what role female diplomats played in such action.

8. **Mr. Guillermet Fernández** (Costa Rica) said that married couples were able to serve in the diplomatic service, and indeed the same mission, as long as they were not in a hierarchical relationship that would preclude them from being assigned together. He would bring the suggestion concerning the training of women in preventive diplomacy to the attention of the Ministry of Foreign Affairs.

Articles 10 to 14

9. **Ms. Verges** said that, although she welcomed the steps taken towards gender equality, no mention had been made of such steps in the area of education. Was this an omission or a shortcoming? She would welcome clarification as to whether the equality policy for education mentioned in the periodic report was new or whether it was an update of the policy from the combined fifth to sixth periodic reports (CEDAW/C/CRI/5-6), for which an action plan was expected. During the last reporting cycle, the delegation had been unable to provide information concerning the enrolment rates for secondary and tertiary education or data on the dropout rates for different segments of the population. She wished to know what measures were being taken to promote bilingualism, particularly among disadvantaged communities. She would welcome information on the measures that the State party intended to take to lower the dropout rate, especially among pregnant girls. The State party report stated that, although enrolment on vocational training courses had increased, they tended to be in areas traditionally associated with women; she thus would like to know what measures had been introduced to encourage women to undergo training in subjects traditionally dominated by men.

10. **Ms. Acosta Vargas** said that she welcomed the State party's ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). However, there were still discriminatory stereotypes and a large gender pay gap of around 30 per cent. Women were overrepresented in low-paid jobs and in the informal sector. She wished to know what the main policies were to deal with that situation. She wondered whether there was a link between unemployment and underemployment of the female population and free trade agreements and what measures the State party was implementing to reverse that trend.

11. Noting with satisfaction the progress made in implementing the Committee's recommendations on creating a balance between work and family life, she wished to know whether more ambitious plans were being considered than the current six days of paternity leave, which was left to the discretion of the employer, as there was no law in place. She wondered if there were any plans to ratify the ILO Workers with Family Responsibilities Convention, 1981 (No. 156).

12. She wished to know whether the Government had brought domestic legislation into line with the ILO Domestic Workers Convention, 2011 (No. 189). The Committee would also like to know whether domestic workers had been informed of their new social security entitlements. Furthermore, the Committee was aware that child labour had decreased in the country; she would welcome any details of plans to eradicate it definitively.

13. The Committee had received reports that land owned by indigenous peoples and communities of African descent had been encroached on by various actors, without the communities having been given the opportunity to challenge such encroachments through the appropriate channels. Many of the community leaders were women. The Committee wondered whether those leaders were the subject of affirmative action measures to ensure access to justice, in spite of heavy court workloads, and whether the communities had been made sufficiently aware of the forms of protection open to them.

14. **Ms. Arocha Domínguez** said that she was concerned about a number of pending issues where little progress had been made, such as the lifting of the ban on in vitro fertilization, the introduction of guidelines on practising legal abortion and the incorporation of a new chapter into the law on sexual and reproductive health rights. She wished to know what measures were being taken to remove obstacles preventing women

from deciding on the number of children they had and at what intervals and to follow best practices already existing in countries in a similar situation to that of Costa Rica. She would welcome information on the action being taken to raise awareness of family planning services with a view to reducing teenage pregnancy. She asked how teenage pregnancies that were the result of sexual assault by family members or with persons known to the victim were dealt with. Given that, according to Government statistics, it was mostly women who took responsibility for contraception, she wondered whether men played an active role in the new family planning policies and initiatives, especially concerning the use of condoms, which also prevented the spread of sexually transmitted diseases, including HIV/AIDS. Information concerning the status of the amendment to the HIV/AIDS Act, which sought to end discrimination against and stigmatization of men and women with HIV/AIDS, would be helpful. Furthermore, she wished to know what programmes were in place for women and transsexuals who engaged in prostitution and transactional sex. Finally, she would appreciate hearing about the State party's plans to introduce maternity care programmes for the indigenous and Afro-Costa Rican communities and efforts to ensure that childbirth practices were respectful of the women in those communities and safeguards against abuse were in place.

15. **Ms. Arias Madrigal** (Costa Rica) said that the gender equality policy had been designed specifically for the educational sphere. Regarding statistics, disaggregated school enrolment and dropout figures for all levels was shown in table 19 of the annex to the periodic report. The table, updated in January 2017, showed that there was a slightly higher dropout rate for boys than for girls. To lower the school dropout rate, the programme "Yo me apunto" (Sign me up) had been promoted on television and in the press. As part of that programme, in some areas of the country, services were available to care for the children of young mothers while they attended night classes.

16. In 2016, the Ministry of Science and Technology had undertaken to encourage girls to take an interest in information and communication technology. A national policy on women and information technology was currently under development. Although there had been a slight increase in the number of women following non-traditional career paths in recent years, cultural barriers still remained.

17. **Ms. Mora** (Costa Rica) said that the Government was aware that women working in the informal sector and in the rural economy were particularly affected by labour market participation gaps. Consequently, a tripartite committee composed of employers, trade unions and governmental bodies had been established in early 2017 to deal with the informal economy, and a proposal had been advanced to gradually expand the coverage of the Social Insurance Fund of Costa Rica. Furthermore, strategic action had been taken to close the gender gap in science and technology. In that context, the National Institute for Women had participated in an initiative involving the multinational corporation Intel, the Ministry of Science, Technology and Telecommunications and the Ministry of Education. The offices of the First Lady of Costa Rica and the Vice President of the United States had cooperated on a knowledge transfer programme for primary school teachers so that girls were encouraged to take an interest in science and technology from an early age.

18. The promotion of women's labour market participation focused on expanding care services so that women were free to take up employment and lift themselves and their families out of poverty. A survey had been conducted on the childcare needs of working women, excluding women living in poverty, for that purpose, and a gender equality seal was used to require companies to show that male and female employees were able to reconcile their work and family life, for example through parental leave and flexible working arrangements. The Government had also introduced an indicator of multidimensional poverty that took women's care responsibilities into account and which had revealed that women accounted for more than 92 per cent of persons in poverty. The introduction of paternity leave was a proposal that had initially encountered scepticism but was now viewed positively and had been incorporated into a new bill proposal.

19. Concerning the ratification of ILO Convention No. 156, the National Institute for Women had called upon the Ministry of Labour and Social Security to submit the proposed legislation to the Legislative Assembly for discussions with a view to its adoption.

20. With respect to women's ownership of land, the National Institute for Women had been called upon to assist women victims of violence in the Salitre indigenous territory who had come forward, while the Institute for Rural Development had recruited a team of topographers to establish the boundaries of indigenous territory and determine how much of it was no longer in the hands of indigenous peoples. The police played a leading role on the ground and were fully aware that violence was an issue.

21. In the health sphere, the comprehensive draft amendment to the General HIV Act was awaiting the final approval of the parliament, having received a positive opinion from the relevant committee. The Government also wished to highlight its efforts to integrate transwomen, many of whom worked in prostitution and had never had the opportunity to gain the skills needed to enter the labour market. The women had been encouraged to participate in training programmes on issues such as gender violence and the recovery of self-esteem, before being referred to the National Training Institute for specific skills training. The Government was also implementing the Meso-American Project for the Prevention of Teenage Pregnancy, which had resulted in a noticeable drop in adolescent pregnancy rates in the provinces of Guanacaste and La Cruz, and also addressed early pregnancy under a bill banning sexual relations with minors that would introduce harsher sentences for adults who were members of the minor's family. The National Plan for the Care and Prevention of Domestic Violence recognized such relations as a factor in adolescent pregnancy and proposed to work with adolescents to combat that particular form of violence.

22. **Mr. Guillermet Fernández** (Costa Rica) said that, in response to international human rights obligations, the Ministry of Health had drafted a technical regulation providing clinical guidance on therapeutic abortions in public hospitals. Owing to the sensitivity of the issue, the regulation was being given careful consideration but would recognize the need to protect the life and health of the mother and to provide a legal framework for medical professionals.

23. **Ms. Acosta Vargas** said she was concerned that migrant women were required to obtain a work permit, but might not know how to proceed when the issuance of such permits was delayed. Were the rights of migrant women adequately protected and were they informed about how to obtain the necessary documents?

24. **Ms. Verges** said that she wished to know what specific measures the Government was taking to prevent adolescent mothers from abandoning their school studies.

25. **Ms. Arocha Domínguez** said that she would be interested to know whether Costa Rica planned to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Given that Costa Rica had the technical capacity to develop health regulations and treatment protocols, she wondered what obstacles stood in the way of issuing guidelines for therapeutic abortions.

26. Mr. **Guillermet Fernández** (Costa Rica) said that, originally a country of destination for migrant workers, Costa Rica had become a transit country and was also experiencing a small amount of out-migration for the first time. A debate was taking place in the Government on whether to accede to the Migrant Workers Convention, with the Ministry of Foreign Affairs, the Directorate General for Migration and the Ombudsman's Office taking different positions, although ratification remained unlikely in the near future.

27. **Ms. Mora** (Costa Rica) said that the "Yo me apunto" programme aimed at preventing children — including pregnant adolescent girls and teenage mothers — from dropping out of school and encouraging those who had done so to return. The Meso-American Project for the Prevention of Teenage Pregnancy aimed to improve girls' knowledge and focused on two regions of Costa Rica with high rates of early pregnancy. The efforts to prevent teenage pregnancy and school dropout were coordinated by the Social Insurance Fund of Costa Rica and the Ministry of Health, which provided training and counselling services and information on contraception and antenatal and postnatal care. The Avancemos ("Let's move forward") conditional cash transfer programme was implemented so that disadvantaged and poor families could receive economic assistance, on the condition that the children remained in the education system.

28. **Mr. Guillermet Fernández** (Costa Rica) said that the Government was following a road map to free Costa Rica from child labour and its worst forms, in keeping with a national strategic effort that involved employers and trade unions. The initiative was monitored by the Ministry of Labour and Social Security.

29. **Ms. Mora** (Costa Rica) said that the Ministry of Education continued to implement a comprehensive programme on emotional relations and sexuality despite opposition from some parents. In fact, the programme had been expanded and was an important aspect of State policy on sexuality and relationships. On the question of land ownership, 153 concessions had been granted to residents living in the State-owned border zone with Panama.

30. **Ms. Acosta Vargas** said that she welcomed the strengthening of the credit programmes for micro, small and medium-sized enterprises managed by women. It would be helpful to have information on the impact that such programmes had had on women's employment and economic autonomy and on the involvement of women's NGOs in them. The Committee would also appreciate clarification of the links between national social inclusion policies and the implementation of the 2030 Agenda for Sustainable Development, such as the setting of targets to eradicate poverty and forms of social exclusion that particularly affected women.

31. The Government was to be commended for its non-contributory pension scheme, which covered persons over 65 years of age, persons with disabilities, widows and low-income persons who had never paid social insurance. However, given that the pension was often drawn by indigenous persons, particularly women, the Committee was concerned about the general comments made by the Independent Expert on the enjoyment of all human rights by older persons that the administration system was saturated, that older persons encountered obstacles in withdrawing the allowance and that pensions were sometimes misappropriated by relatives. She wished to know what the Government was doing to identify such shortcomings and take measures to address them. Lastly, she wondered whether Costa Rica had advanced in its efforts to promote local sport and recreation, including in the educational system and in priority care zones, indigenous territories and areas with large populations of persons of African descent.

32. **Ms. Bethel** said that, while rural women played a significant role in the economic survival of their families and communities, they received little recognition or reward and were often denied access to the benefits of the development process. She therefore welcomed the information that 303 parcels of land and 740 titles to land had been awarded to women between 2014 and 2016, but wished to learn what percentage of the total those allocations represented and what percentage had been granted to indigenous women, women of African descent and women with disabilities. Was the allocated land sufficient to respond to the demands and needs of rural women? She also asked what further measures were being considered to improve access to land and how the State intended to prevent the dispossession of land belonging to indigenous rural women.

33. Given that lack of participation was a cause and consequence of poverty, the State party had undertaken commendable efforts to promote women's participation in rural development councils, so that women accounted for 46 per cent of participants, as well as 4 chairs and 18 vice-chairs of the steering committees of those councils. However, disaggregated data might be provided on the percentage of women occupying such leadership roles including women from ethnic minorities and women with disabilities. What measures were being taken to further increase the influence of women in rural development and decision-making? She would also be interested to learn whether any study had been done on the impact of the new model of territorial governance on the lives of rural women.

34. Since a transformative approach was needed to ensure equal access to education, the State party should describe the steps it was taking to promote women's rights and access to education, training and literacy and to overcome barriers such as negative cultural attitudes and excessive domestic duties. She would appreciate details of the measures being taken to improve the employment situation of rural women and girls, the impact of training programmes, the proportion of participants that found employment and women's access to

market facilities, technology and social security programmes. The Committee would also be interested to know what substantive gains had been achieved by rural women as a result of the two programmes to promote women's business activity and entrepreneurship referred to in the report, Start a Business and FOMUJERES.

35. **Mr. Almendares Fernández** (Costa Rica) said that the Rural Development Institute had established an inclusive model of governance for development in rural areas. Approximately 28,000 people, of whom almost half were women, had been involved in rural development efforts. A new territorial model of governance had also been developed to enable civil society and public companies to work together to develop local regions. In addition to participating in planning of the use of land, rural women were members of all steering committees of the Territorial Council for Rural Development, alongside representatives of indigenous people, people of African descent, persons with disabilities and older persons. The number of female chairs and vice-chairs of those committees had increased, and all territories had introduced projects to foster the economic empowerment of women. Regarding access to land, during the reporting period, approximately 33 per cent more land permits had been granted to women than to men. There was no longer any requirement for land to be registered in both a man's and women's name and women heads of household had been able to register land in their own name since 1995.

36. **Ms. Bethel** asked whether men and women had equal access to land in rural areas. She would also appreciate data on women in leadership positions disaggregated by ethnicity.

37. **Mr. Almendares Fernández** (Costa Rica) said that her delegation did not have the data disaggregated by ethnicity to hand but could provide the information in writing at a later date. In association with rural women's organizations, a number of ministries had jointly developed a pilot project in the south of the country to improve access to land, credit and funding in order to enhance women's empowerment. The results of the pilot project had recently been examined and a joint proposal had been made on the improvements necessary to ensure women's access to the relevant services. A programme had also been implemented to help female owners of small businesses, in addition to initiatives to improve access to education and health care.

38. Legislation on territorial and rural development had been drafted, but it remained difficult to demarcate the boundaries of the country's 24 indigenous territories. The presence of non-indigenous people in those territories had given rise to some conflicts. The Government intended to complete the demarcation process and turn the land over to the appropriate indigenous authorities.

39. **Ms. Arias Madrigal** (Costa Rica) said that the entrepreneurship programme for women in rural areas with micro-, small and medium-sized businesses had provided individuals and groups of women with funding and the opportunity to build their technical capacity and find new markets. Part of those businesses were run by women with disabilities. The relevant legislation on entrepreneurship and farming. Hundreds of women affected by Hurricane Otto had also received funding.

40. **Ms. Mora** (Costa Rica) said that the gender equality seal for small and medium-sized businesses covered both public and private sectors. In the process of applying the seal, deficiencies in gender equality were identified and the seal was given if they were overcome. Where the seal was not awarded, good practices were recommended. In addition, a football project conducted in the indigenous territories had succeeded in involving indigenous women in the sport, which was otherwise dominated by men.

41. **Ms. Halperin-Kaddari** said she wondered whether the National Institute for Women had taken any steps to ensure that the widely discredited theory of parental alienation syndrome was rejected by the courts when deployed by men as an argument in child custody and child support cases. She would be grateful if the delegation could comment on reports that a film on the syndrome had been screened in judicial institutions, which was at odds with the State party's claim that judicial training in the country was gender sensitive and impartial. In addition, she wished to know whether there were any legislative provisions requiring judges to take acts of domestic violence committed by fathers against mothers into consideration in custody hearings. She also asked whether there

were measures to prevent fathers pursuing shared physical custody in order to avoid child support payments.

42. As community of property between spouses was used in Costa Rica, and married women tended to be kept out of the labour market because they bore a larger share of the burden for raising children and often had lower earning potential than their husbands, she wished to know whether there were any mechanisms to take into consideration the economic disparity between couples upon divorce. She would also welcome clarification of the provision of legal aid in Costa Rica, which appeared to be very limited and affected the ability of women to realize their rights.

43. **Ms. Mora** (Costa Rica) said that the Institute had been working on projects involving the so-called parental alienation syndrome, child support and domestic violence. In addition, psychologists had determined that parental alienation syndrome did not exist and therefore had no place in the legal system. The Institute was also working with the judiciary to ensure that judicial officers received proper training in areas such as violence against women.

44. Alimony was the only available mechanism to compensate for the difference in the earning potential of divorced couples with communal estate settlements and was awarded after taking buying power and standards of living into account.

45. **Ms. Delgado Cascante** (Costa Rica) said that the use of parental alienation syndrome in alimony and custody cases did not indicate widespread legal acceptance of the syndrome. Between 2012 and 2016, there had been an increase in the number of alimony cases and the number of public defenders assigned to those cases. Over 80 per cent of alimony cases were brought by women and, in over 90 per cent of cases, alimony was over $200 per month.

46. **Ms. Halperin-Kaddari** said she wished to know when women were entitled to public defenders, as it appeared that they did not receive legal assistance in relation to property rights. She also drew the delegation's attention to the Committee's general recommendation on article 16 of the Convention relating to the economic consequences of marriage, family relations and their dissolution (CEDAW/C/GC/29). In addition, she would appreciate information on programmes and draft legislation, including relating to parental alienation syndrome, in writing.

47. **Mr. Guillermet Fernández** (Costa Rica) said he wished to draw the Committee's attention to the fact that Member States had recently adopted a treaty on the prohibition of nuclear weapons under the leadership of the President of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons leading towards their total elimination, Ms. Whyte Gómez of Costa Rica.

48. **Ms. Mora** (Costa Rica) said that her delegation greatly appreciated the opportunity to engage in the very constructive dialogue with the Committee. The questions raised and suggestions put forward would guide her Government's efforts to fulfil the commitments it had made under the Convention.

The meeting rose at 5 p.m.